IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 4TH SEPTEMBER 2007 / 13TH BHADRA 1929

CRP.No. 784 of 2002(A)

(AGAINST THE ORDER DATED 28/12/2001 IN AA.121/2000 ON THE FILE OF THE APPELLATE AUTHORITY (LAND REFORMS), ALAPPUZHA AGAINST THE ORDER IN OA.98/1988 DATED 11/06/1997 OF THE LAND TRIBUNAL, KOTTAYAM)

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REVN. PETITIONER: APPELLANT/APPLICANT:

N.SUBRAMANIAN, MYLAKKATTUPARAMBIL,
RUBBER BOARD P.O., KOTTAYAM.

BY ADV. SRI.R.S.KALKURA
SRI.M.S.KALESH

RESPONDENTS: RESPONDENTS/RESPONDENTS:

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1. THE S.N.D.P. BRANCH,
PUTHUPPALLY, REPRESENTED BY ITS PRESIDENT.

2. STATE OF KERALA, REP. BY
CHIEF SECRETARY, GOVERNMENT OF KERALA,
SECRETARIAT, TRIVANDRUM.

BY ADV. SRI.R.REJI for R1
SMT.SHIVA RAJA RESHMI
BY GOVERNMENT PLEADER SMT. R. BINDU for R2

THIS CIVIL REVISION PETITION HAVING COME UP FOR ADMISSION ON 04/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

KSS

M.N.KRISHNAN, J

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C.R.P. No.784 OF 2002

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Dated this the 4th day of September 2007

O R D E R

This revision petition is preferred against the order of the Appellate Authority(Land Reforms), Alappuzha in A.A.No.121 of 2000. The revision petitioner claims kudikidappu under the first respondent and the Land Tribunal as well as the appellate authority had non-suited the revision petitioner and it is against that decision the present revision is preferred. On a perusal of both the orders, I find that there has been no proper application of mind by the authorities. It is the case of the petitioner that he had obtained kudikidappu right in the year 1967 and that he is entitled to 10 cents of property.

2. On the other hand, the first respondent would contend that the father of the petitioner was occupying a portion of the property and when the question of kudikidappu came, he was given 5 cents of land, out of which he had assigned 2 ½ cents to the children of his brother and that he was occupying the remaining balance 2 ½ cents. The petitioner contends that it is not really a kudikidappu at all. It may be analysed and found out

whether there is any truth in what the revision petitioner contends. The documents produced are not properly analysed and the approach is also not correct to find out whether he is entitled to right of kudikidappu as envisaged under Section 2(57) of the Kerala Land Reforms Act.

Therefore, the orders under challenge are set aside and the matter is remitted back to the Land Tribunal for reconsideration after affording equal opportunity to the revision petitioner as well as the respondents to produce documentary evidence and adduce oral evidence in support of their respective contentions and then dispose of the matter in accordance with law. The parties are directed to appear before the Tribunal on 8.10.2007.

C.R.P. is disposed of as above.

M.N.KRISHNAN, JUDGE

Cdp/-